

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

FREDILYNNE MAMARIL SALS
1761 Marco Polo Way, Apt. #1
Burlingame, CA 94010

Registered Nurse License No. 691272

Respondent

Case No. 2012-550

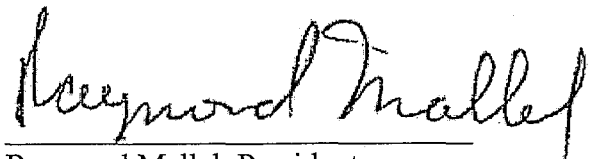
OAH No. 2012031058

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **December 26, 2012.**

IT IS SO ORDERED **November 26, 2012.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-550

13 **FREDILYNNE MAMARIL SALS**
1761 Marco Polo Way, Apt. #1
14 **Burlingame, CA 94010**
Registered Nurse License No. 691272

OAH No. 2012031058

15 **STIPULATED SETTLEMENT AND**
16 **DISCIPLINARY ORDER**

Respondent.

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") is the Interim Executive Officer of the
21 Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
23 Judith J. Loach, Deputy Attorney General.

24 2. Respondent Fredilynne Mamaril Sals ("Respondent") is represented in this
25 proceeding by attorney Deborah L. Phillips, Esq., whose address is: 5424-10 Sunol Boulevard,
26 Suite 254, Pleasanton, CA 94566.

27 3. On or about October 25, 2006, the Board of Registered Nursing issued Registered
28 Nurse License No. 691272 to Respondent. The Registered Nurse License was in full force and

1 effect at all times relevant to the charges brought in Accusation No. 2012-550 and will expire on
2 February 29, 2014, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2012-550 was filed before the Board of Registered Nursing
5 ("Board"), Department of Consumer Affairs, and is currently pending against Respondent. The
6 Accusation and all other statutorily required documents were properly served on Respondent on
7 March 15, 2012. Respondent timely filed her Notice of Defense contesting the Accusation.

8 5. A copy of Accusation No. 2012-550 is attached as Exhibit A and incorporated herein
9 by reference.

10 ADVISEMENT AND WAIVERS

11 6. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 2012-550. Respondent has also carefully read, fully
13 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
14 Order.

15 7. Respondent is fully aware of her legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
17 her own expense; the right to confront and cross-examine the witnesses against her; the right to
18 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
19 compel the attendance of witnesses and the production of documents; the right to reconsideration
20 and court review of an adverse decision; and all other rights accorded by the California
21 Administrative Procedure Act and other applicable laws.

22 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 CULPABILITY

25 9. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 2012-550.

27 10. Respondent agrees that her Registered Nurse License is subject to discipline and she
28 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 691272 issued to Respondent Fredilynne Mamaril Sals is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

Severability Clause. Each condition of probation contained herein is a separate and

1 distinct condition. If any condition of this Order, or any application thereof, is declared
2 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
3 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
4 and enforceable to the fullest extent permitted by law.

5 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full
6 and detailed account of any and all violations of law shall be reported by Respondent to the Board
7 in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance
8 with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees
9 within 45 days of the effective date of the decision, unless previously submitted as part of the
10 licensure application process.

11 **Criminal Court Orders:** If Respondent is under criminal court orders, including
12 probation or parole, and the order is violated, this shall be deemed a violation of these probation
13 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

14 2. **Comply with the Board's Probation Program.** Respondent shall fully comply
15 with the conditions of the Probation Program established by the Board and cooperate with
16 representatives of the Board in its monitoring and investigation of the Respondent's compliance
17 with the Board's Probation Program. Respondent shall inform the Board in writing within no
18 more than 15 days of any address change and shall at all times maintain an active, current license
19 status with the Board, including during any period of suspension.

20 Upon successful completion of probation, Respondent's license shall be fully restored.

21 3. **Report in Person.** Respondent, during the period of probation, shall appear in
22 person at interviews/meetings as directed by the Board or its designated representatives.

23 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or
24 practice as a registered nurse outside of California shall not apply toward a reduction of this
25 probation time period. Respondent's probation is tolled, if and when she resides outside of
26 California. Respondent must provide written notice to the Board within 15 days of any change of
27 residency or practice outside the state, and within 30 days prior to re-establishing residency or
28 returning to practice in this state.

Respondent shall provide a list of all states and territories where she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing license during the term of probation.

5. **Submit Written Reports.** Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this Decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

7. **Employment Approval and Reporting Requirements.** Respondent shall obtain

1 prior approval from the Board before commencing or continuing any employment, paid or
2 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
3 performance evaluations and other employment related reports as a registered nurse upon request
4 of the Board.

5 Respondent shall provide a copy of this Decision to her employer and immediate
6 supervisors prior to commencement of any nursing or other health care related employment.

7 In addition to the above, Respondent shall notify the Board in writing within seventy-two
8 (72) hours after she obtains any nursing or other health care related employment. Respondent
9 shall notify the Board in writing within seventy-two (72) hours after she is terminated or
10 separated, regardless of cause, from any nursing, or other health care related employment with a
11 full explanation of the circumstances surrounding the termination or separation.

12 8. **Supervision.** Respondent shall obtain prior approval from the Board regarding
13 Respondent's level of supervision and/or collaboration before commencing or continuing any
14 employment as a registered nurse, or education and training that includes patient care.

15 Respondent shall practice only under the direct supervision of a registered nurse in good
16 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
17 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
18 approved.

19 Respondent's level of supervision and/or collaboration may include, but is not limited to the
20 following:

21 (a) Maximum - The individual providing supervision and/or collaboration is present in
22 the patient care area or in any other work setting at all times.

23 (b) Moderate - The individual providing supervision and/or collaboration is in the patient
24 care unit or in any other work setting at least half the hours Respondent works.

25 (c) Minimum - The individual providing supervision and/or collaboration has person-to-
26 person communication with Respondent at least twice during each shift worked.

27 (d) Home Health Care - If Respondent is approved to work in the home health care
28 setting, the individual providing supervision and/or collaboration shall have person-to-person

1 communication with Respondent as required by the Board each work day. Respondent shall
2 maintain telephone or other telecommunication contact with the individual providing supervision
3 and/or collaboration as required by the Board during each work day. The individual providing
4 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
5 patients' homes visited by Respondent with or without Respondent present.

6 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in
7 any private duty position as a registered nurse, a temporary nurse placement agency, a traveling
8 nurse, or for an in-house nursing pool.

9 Respondent shall not work for a licensed home health agency as a visiting nurse unless the
10 registered nursing supervision and other protections for home visits have been approved by the
11 Board. Respondent shall not work in any other registered nursing occupation where home visits
12 are required.

13 Respondent shall not work in any health care setting as a supervisor of registered nurses.
14 The Board may additionally restrict Respondent from supervising licensed vocational nurses
15 and/or unlicensed assistive personnel on a case-by-case basis.

16 Respondent shall not work as a faculty member in an approved school of nursing or as an
17 instructor in a Board approved continuing education program.

18 Respondent shall work only on a regularly assigned, identified and predetermined
19 worksite(s) and shall not work in a float capacity.

20 If Respondent is working or intends to work in excess of 40 hours per week, the Board may
21 request documentation to determine whether there should be restrictions on the hours of work.

22 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll
23 and successfully complete a course(s) relevant to the practice of registered nursing no later than
24 six months prior to the end of her probationary term.

25 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
26 Respondent shall submit to the Board the original transcripts or certificates of completion for the
27 above required course(s). The Board shall return the original documents to Respondent after
28 photocopying them for its records.

1 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its
2 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
3 amount of \$7,000.00. Respondent shall be permitted to pay these costs in a payment plan
4 approved by the Board, with payments to be completed no later than three months prior to the end
5 of the probation term.

6 If Respondent has not complied with this condition during the probationary term, and
7 Respondent has presented sufficient documentation of her good faith efforts to comply with this
8 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
9 extension of Respondent's probation period up to one year without further hearing in order to
10 comply with this condition. During the one year extension, all original conditions of probation
11 will apply.

12 12. **Violation of Probation.** If Respondent violates the conditions of her probation,
13 the Board after giving Respondent notice and an opportunity to be heard, may set aside the stay
14 order and impose the stayed discipline (revocation/suspension) of Respondent's license.

15 If during the period of probation, an accusation or petition to revoke probation has been
16 filed against Respondent's license or the Attorney General's Office has been requested to prepare
17 an accusation or petition to revoke probation against Respondent's license, the probationary
18 period shall automatically be extended and shall not expire until the accusation or petition has
19 been acted upon by the Board.

20 13. **License Surrender.** During Respondent's term of probation, if she ceases
21 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
22 probation, Respondent may surrender her license to the Board. The Board reserves the right to
23 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
24 take any other action deemed appropriate and reasonable under the circumstances, without further
25 hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no
26 longer be subject to the conditions of probation.

27 Surrender of Respondent's license shall be considered a disciplinary action and shall
28 become a part of Respondent's license history with the Board. A registered nurse whose license

1 has been surrendered may petition the Board for reinstatement no sooner than the following
2 minimum periods from the effective date of the disciplinary decision:

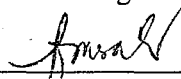
3 (1) Two years for reinstatement of a license that was surrendered for any reason other
4 than a mental or physical illness; or

5 (2) One year for a license surrendered for a mental or physical illness.

6 ACCEPTANCE


7 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
8 discussed it with my attorney, Deborah L. Phillips, Esq. I understand the stipulation and the
9 effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and
10 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
11 Decision and Order of the Board of Registered Nursing.

12 DATED: 7-25-12


13 FREDILYNNE MAMARIL SALS
Respondent

14 I have read and fully discussed with Respondent Fredilynne Mamaril Sals the terms and
15 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
16 I approve its form and content.

17 DATED: July 26, 2012


18 DEBORAH L. PHILLIPS, ESQ.
Attorney for Respondent

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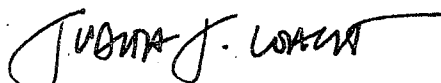
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: 7-25-2012

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
FRANK H. PACOE
Supervising Deputy Attorney General



JUDITH J. LOACH
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 2012-550

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JUDITH J. LOACH
Deputy Attorney General
4 State Bar No. 162030
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E-mail: Judith.Loach@doj.ca.gov
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11 **STATE OF CALIFORNIA**

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Case No. 2012-550

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14 **1761 Marco Polo Way, Apt. #1**
Burlingame, CA 94010
Registered Nurse License No. 691272

ACCUSATION

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about October 25, 2006, the Board of Registered Nursing issued Registered
23 Nurse License Number 691272 to Fredilynne Mamaril Sals ("Respondent"). The Registered
24 Nurse License was in full force and effect at all times relevant to the charges brought herein and
25 will expire on February 28, 2014, unless renewed.

26 ///

27 ///

28 ///

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

5. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTES AND REGULATIONS

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

...

8. California Code of Regulations, title 16, section 1442, states:

"As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single

1 situation which the nurse knew, or should have known, could have jeopardized the client's health
2 or life."

3 9. California Code of Regulations, title 16, section 1443, states:

4 "As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the
5 failure to exercise that degree of learning, skill, care and experience ordinarily possessed and
6 exercised by a competent registered nurse as described in Section 1443.5."

7 10. California Code of Regulations, title 16, section 1443.5 states:

8 "A registered nurse shall be considered to be competent when he/she consistently
9 demonstrates the ability to transfer scientific knowledge from social, biological and physical
10 sciences in applying the nursing process, as follows:

11 "(1) Formulates a nursing diagnosis through observation of the client's physical condition
12 and behavior, and through interpretation of information obtained from the client and others,
13 including the health team.

14 "(2) Formulates a care plan, in collaboration with the client, which ensures that direct and
15 indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and
16 for disease prevention and restorative measures.

17 "(3) Performs skills essential to the kind of nursing action to be taken, explains the health
18 treatment to the client and family and teaches the client and family how to care for the client's
19 health needs.

20 "(4) Delegates tasks to subordinates based on the legal scopes of practice of the
21 subordinates and on the preparation and capability needed in the tasks to be delegated, and
22 effectively supervises nursing care being given by subordinates.

23 "(5) Evaluates the effectiveness of the care plan through observation of the client's physical
24 condition and behavior, signs and symptoms of illness, and reactions to treatment and through
25 communication with the client and health team members, and modifies the plan as needed.

26 "(6) Acts as the client's advocate, as circumstances require, by initiating action to improve
27 health care or to change decisions or activities which are against the interests or wishes of the
28

client, and by giving the client the opportunity to make informed decisions about health care before it is provided."

COST RECOVERY

11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

STATEMENT OF FACTS

12. At all relevant times, Respondent was employed as a home health nurse with Amedisys Home Health Care, also known as Tender Loving Care, Burlingame, California.

13. Respondent was assigned to the care of Patient A, a 63 year-old male who resided at Lesley Towers, an apartment facility for seniors in Burlingame. His medical history was significant for insulin dependent diabetes. The plan of care for Patient A included that the home health nurse was to look for signs of hypoglycemia (low blood sugar) or hyperglycemia (high blood sugar) with maintaining a blood glucose level between 80 to 180 mg/dl. A medical doctor was to be called in the event that Patient A's blood glucose was greater than 400 mg/dl or less than 70 mg/dl.

14. On December 23, 2010, at approximately 2:15 p.m., Respondent arrived at Patient A's apartment. She could hear him moaning inside and after ten (10) minutes of knocking at his door, summoned assistance from the building manager. Once inside his apartment, Patient A was found to be moaning and unresponsive. He was positioned on his side on the floor. Respondent documented that Patient A's blood glucose was 32 mg/dl. Facility staff called 911, with Respondent leaving Patient A in the care of non-medical staff.

15. Emergency Medical Services ("EMS") arrived at Patient A's apartment at 2:54 p.m. They found Patient A unconscious, lying face down in a left lateral recumbent position, making gurgling sounds. EMS staff repositioned Patient A at which point he spontaneously cleared his airway. His blood glucose level was 34 mg/dl. EMS started an intravenous solution of glucose,

1 with Patient A being transferred to San Mateo County General Hospital for continued care and
2 observation.

3 FIRST CAUSE FOR DISCIPLINE

4 (Gross Negligence/Incompetence – Abandonment of Unresponsive Patient)

5 16. Respondent is subject to discipline for gross negligence and/or incompetence
6 pursuant to Code section 2761(a)(1), as defined in California Code of Regulations, title 16,
7 sections 1442, 1443 and 1443.5, as she left Patient A unattended by medical personnel when he
8 was unresponsive, with a blood glucose of 32 mg/dl. The facts in support for this cause for
9 discipline are set forth above in paragraphs 12 through 15.

10 SECOND CAUSE FOR DISCIPLINE

11 (Gross Negligence/Incompetence – Failure to Position Patient With Compromised Airway)

12 17. Respondent is subject to discipline for gross negligence and/or incompetence
13 pursuant to Code section 2761(a)(1), as defined in California Code of Regulations, title 16,
14 sections 1442, 1443 and 1443.5, as she failed to properly position Patient A, when it was apparent
15 that his airway was compromised. The facts in support for this cause for discipline are set forth
16 above in paragraphs 12 through 15.

17 THIRD CAUSE FOR DISCIPLINE

18 (Gross Negligence/Incompetence – Failure to Contact Medical Provider)

19 17. Respondent is subject to discipline for gross negligence and/or incompetence
20 pursuant to Code section 2761(a)(1), as defined in California Code of Regulations, title 16,
21 sections 1442, 1443 and 1443.5, as she failed to contact Patient A's medical provider when on
22 December 23, 2010, she found him unresponsive with a blood glucose level of 32 mg/dl. The
23 facts in support for this cause for discipline are set forth above in paragraphs 12 through 15.

24 FOURTH CAUSE FOR DISCIPLINE

25 (Gross Negligence/Incompetence – Failure To Take Action to Increase Blood Glucose)

26 18. Respondent is subject to discipline for gross negligence and/or incompetence
27 pursuant to Code section 2761(a)(1), as defined in California Code of Regulations, title 16,
28 sections 1442, 1443 and 1443.5, as she failed to take any action to increase Patient A's blood

1 glucose when it was found to be 32 mg/dl. The facts in support for this cause for discipline are
2 set forth above in paragraphs 12 through 15.

3 FIFTH CAUSE FOR DISCIPLINE

4 (Incompetence – Delegation of Care to Non-Medical Provider)

5 18. Respondent is subject to discipline for incompetence pursuant to Code section
6 2761(a)(1), as defined in California Code of Regulations, title 16, sections 1443 and 1443.5,
7 in that she delegated Patient A's care to a non-medical provider, prior to the arrival of emergency
8 medical personnel. The facts in support of this cause for discipline are set forth above in
9 paragraphs 12 through 15.

10 SIXTH CAUSE FOR DISCIPLINE

11 (Incompetence – Failure to Act as a Patient Advocate)

12 18. Respondent is subject to discipline for incompetence pursuant to Code section
13 2761(a)(1), as defined in California Code of Regulations, title 16, sections 1443 and 1443.5, in
14 that she did not act as an advocate for Patient A as demonstrated by:

- 15 (a) Failure to institute actions to increase his blood glucose level;
16 (b) Failure to notify his medical provider of the significant change in his condition; and
17 (c) Failure to remain at the scene to directly communicate his health condition to EMS
18 providers; and
19 (d) Delegation of his medical care to a non-medical provider;

20 The facts in support of this cause for discipline are set forth above in paragraphs 12 through
21 15.

22 SEVENTH CAUSE FOR DISCIPLINE

23 (Unprofessional Conduct – Violation of Employer's Emergency Management of Patients)

24 19. Respondent is subject to discipline for unprofessional conduct pursuant to Code
25 section 2761(a), as she violated her employer's Emergency Management of Patient's Policy and
26
27
28

Procedures in her response to Patient A's health care condition.¹ The facts in support of this cause for discipline are set forth above in paragraphs 12 through 15.

PRAYER

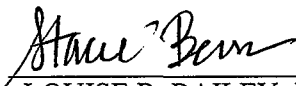
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 691272, issued to Fredilynne Mamaril Sals;

2. Ordering Fredilynne Mamaril Sals to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

3. Taking such other and further action as deemed necessary and proper.

DATED: March 15, 2012


for LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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¹ Tender Loving Care's Emergency Management of Patients, Policy No. MA-004 provides that in an emergency the employee shall in relevant part:

1. Assess the patient and determine the problem (Identify that an emergency exists).
2. Access the local emergency system (i.e., 911, fire department . . .) Stay in attendance until the emergency response team arrives.
3. Initiate appropriate action that you are qualified to perform.
4. Stabilize the patient and remain as primary responder until care is transferred to the emergency access provider.
5. Other agency employees/contractors present who are approved in techniques appropriate to the situation will be allowed to administer the same.
6. Notify the physician and Clinical manager . . .